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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,568

02/16/2007

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EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3673

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,568	<b>Applicant(s)</b> DIETRICH ET AL.	
	<b>Examiner</b> CARLOS LUGO	<b>Art Unit</b> 3673	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on March 13, 2009.

#### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spring biasing the cover (claim 18) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 11-13, 15 and 19-21 are rejected** under 35 U.S.C. 103(a) as being unpatentable over JP 6046765 (JP '765) in view of US Pat No 4,478,444 to Kurz et al (Kurz).

JP '765 discloses a locking device for a cover (3) of a glove compartment of motor vehicles, which is positioned so as to swivel on an associated frame. The locking device comprises first and second locking bars (6), each having locking sections engaging behind an associated locking contour on the frame to hold the cover in a closed position; an actuation element (7, 8 and 9) by which the locking bars are synchronously displaceable from a locked position to a release position for opening the cover; and a spring (10).

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Wherein, the actuation element is positioned on a frame side and, for opening the cover, interacts with its locking section on the first locking bar, displacing it in the opening direction, the second locking bar also being moved into its release position.

However, JP '765 fails to disclose that the locking bars are held in the open position and then released during a closing movement by means of a catch element on at least one of the locking bars and a detent element secured on the cover to automatically hold the locking bar in the release position.

Kurz teaches that it is well known in the art to held in an open position (Fig. 6) a latching bar (24) and released (Fig. 5) during a closing movement of a door (22) by means of a detent pawl (35) interacting with a catch element (surface of the bar).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device described by JP '765 with a detent pawl, as taught by Kurz, in order to give protection to the locking bars when the cover is open.

**5. Claims 14 and 16 are rejected** under 35 U.S.C. 103(a) as being unpatentable over JP 6046765 (JP '765) in view of US Pat No 4,478,444 to Kurz et al (Kurz) as applied to claim 11 above, and further in view of US Pat No 4,476,700 to King.

JP '765, as modified by Kurz, fails to disclose that the locking bars are mechanically coupled to each other by a gear and toothed rack sections. At the instant, JP '765 discloses that the locking bars (6) are connected to a cam/link coupling (4 and 5).

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King teaches that it is well known in the art to provide sliding locking bars (17 and 30) being mechanically coupled to each other by a gear/toothed rack coupling (28 and 26 and 31).

It would have been obvious to provide the mechanical coupling described by JP '765, as modified by Kurz, with a gear/toothed rack coupling, as taught by King, in order to provide a simple and easy to install mechanical coupling that would not affect the mechanism and movement of the device.

6. **Claim 17 is rejected** under 35 U.S.C. 103(a) as being unpatentable over JP 6046765 (JP '765) in view of US Pat No 4,478,444 to Kurz et al (Kurz) as applied to claim 11 above, and further in view of US Pat No 4,895,401 to Thornton et al (Thornton).

JP '765, in view of Kurz, fails to disclose that the actuation element is a push button and a disengaging element. JP '765 discloses the use of a different element that includes a motor (8) a link (9) and a disengaging member (7) interacting with the first locking section.

Thornton teaches that it is well known in the art to provide a locking device having a locking bar (14) that has a locking section interacting with a disengaging member (23) of an actuator element. The disengaging member is connected to a push button (26) so that when it is pushed, it would disengage the locking bar.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the actuator element described by JP '765, as

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modified by Kurz, as a push button, as taught by Thornton, in order to provide a simple and effective way to operate the locking device.

7. **Claim 18 is rejected** under 35 U.S.C. 103(a) as being unpatentable over JP 6046765 (JP '765) in view of US Pat No 4,478,444 to Kurz et al (Kurz) as applied to claim 11 above, and further in view of US Pat No 4,552,399 to Atarashi.

JP '765, as modified by Kurz, fails to disclose that the cover is biased by a spring.

Atarashi teaches that it is well known in the art to provide a cover (2) of a glove box that has a spring member (18) to aid in the smooth movement of the cover.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cover described by JP '765, as modified by Kurz, with a spring, as taught by Atarashi, in order to aid in the smooth movement of the cover.

### ***Response to Arguments***

8. Applicant's arguments filed on March 13, 2009 have been fully considered but they are not persuasive.

With respect to the objection to the drawings, the objection is maintained. At the instant, the applicant has fails to illustrate a spring member that is capable of biasing the cover.

As to the arguments that JP '765, in view of Kurz, fails to disclose a detent element engaging a catch element, the argument is not persuasive. At the instant, the claim language fails to clearly and structurally define the catch element and the

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detent element and how they engage to perform their function in order to overcome the rejection. As seen in Figure 1, the detent is a pivotal pawl that is spring biased to engage a catch element that is protruding from a surface of one of the bolts bars. Until this kind of language is presented in the claim, the rejection would be maintained.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARLOS LUGO whose telephone number is (571)272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number

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for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos Lugo/  
Primary Examiner  
Art Unit 3673

June 8, 2009.